

**REMARKS**

Claims 1-16 are pending in this application. By this Amendment, claims 1, 3-5, 8, 9 and 14-16 are amended for clarity only. Support for the amendments can be found, for example, in paragraphs [0179] and [0207]. No new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration as the amendments merely clarify features of the claims and amplify issues previously discussed throughout prosecution; (c) satisfy a requirement of form asserted in the previous Office Action; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

**I. Allowable Subject Matter**

The Office Action indicates that claims 8 and 9 contain allowable subject matter, and would be allowable if rewritten to overcome the rejection discussed below and to include all the features of the base claim and any intervening claims. Applicants appreciate this indication of allowability and submit that all pending claims are allowable for the reasons set forth below.

**II. §112, Second Paragraph Rejection of Claims 8 and 9**

The Office Action rejects claims 8 and 9 under 35 U.S.C. §112, second paragraph. Claims 8 and 9 are amended responsive to the rejection. Thus, it is respectfully requested that the rejection be withdrawn.

**III. Rejections of Claims 1-7 and 10-16**

The Office Action rejects claims 1, 4-6, 15 and 16 under 35 U.S.C. §102(e) over Christensen et al. (Christensen), U.S. Patent Application Publication No. 2003/0121004 A1;

rejects claims 3 and 14 under 35 U.S.C. §103(a) over Christensen; rejects claims 2, 11 and 12 under 35 U.S.C. §103(a) over Christensen in view of Simske, U.S. Patent Application Publication No. 2004/0133560 A1; rejects claim 7 under 35 U.S.C. §103(a) over Christensen in view of Sieber, U.S. Patent No. 5,649,216; rejects claim 10 under 35 U.S.C. §103(a) over Christensen in view of Castro, "HTML for the World Wide Web with XHTML and CSS: Visual QuickStart Guide," 5<sup>th</sup> Edition, published Sept. 17, 2002, pp. 157-174; rejects claim 13 under 35 U.S.C. §103(a) over Christensen in view of Simmons, U.S. Patent Application Publication No. 2004/0003350 A1; and rejects claims 8 and 9 under 35 U.S.C. §112, second paragraph. The rejections are respectfully traversed.

Christensen fails to disclose or suggest a layout likelihood for an element-laying area that is based on a statistical probability, as recited in independent claims 1, 3-5 and 14-16.

Christensen discloses producing a combination of layouts  $L_n$  containing layout elements  $R_n$  in a layout frame  $F_n$  (Figs. 9a-e; paragraphs [0070], [0072], [0073], [0129] and [0130]). The Office Action alleges that Christensen, in Fig. 10a, discloses that when each combination of layouts is created, the elements are positioned within one of the layout samples, or within an element-laying area of the layout samples, and therefore have a layout likelihood "being position on the combined layout." Figs. 10a-d show examples of layouts  $L_n$  of websites according to different framework combinations of elements  $R_n$  in a layout frames  $F_n$ . These combinations, however, are not based on any statistical probability for any particular combination of layouts  $L_n$ , layout elements  $R_n$ , and layout frames  $F_n$ , and thus do not have a likelihood for an element-laying area that is based on a statistical probability, as recited in independent claims 1, 3-5 and 14-16.

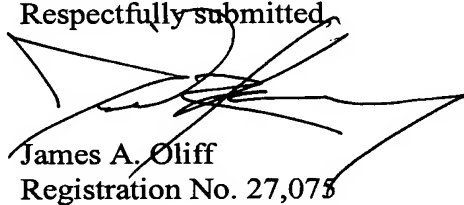
Each of Simske, Sieber, Castro and Simmons fails to account for the deficiencies of Christensen with respect to claims 1, 3-5 and 14-16. Thus, these claims are patentable over the applied references, either individually or in combination.

Because claims 2, 6, 7 and 10-13 incorporate the features of claims 1 and 5, these claims also are patentable over the applied references in view of the reasons discussed above. Thus, it is respectfully requested that the rejections be withdrawn.

**IV. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-16 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,  
  
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